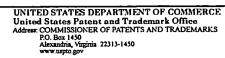


UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/060,088 01/30/2002 Gary P. Belford 7170-01627 6425

7590 05/05/2003

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FETSUGA, ROBERT M

ART UNIT PAPER NUMBER

3751
DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 10/060,088

Art Unit: 3751

1. Newly submitted claims 7-13 and 15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new claims recite a subcombination of an armrest where previously examined claims 1-6 recited a combination of a bathing vessel/tub and armrest. Furthermore, amended claims 1, 2, 4-6 and 13 now recite the subcombination of an armrest.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-13 and 15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on March 31, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All pending claims are directed to an invention independent and distinct from the previously examined invention. There are no claims directed to the previously examined invention. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in

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order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 703/308-1506 who can be most easily reached Monday through Thursday.

Robert M. Fetsuga Primary Examiner Art Unit 3751